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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,965	08/26/2003	Junichi Murakami	1232-5119	7096
27123	7590	05/13/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			PERKEY, WILLIAM B	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/649,965	Applicant(s) MURAKAMI, JUNICHI	
	Examiner William B. Perkey	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.  
 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,8,10,13,16,20,22 and 25-45 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 1,8,10,20,22,26,28-34,36,38-43 and 45 is/are allowed.  
 6) ☒ Claim(s) 13,25,27,35 and 44 is/are rejected.  
 7) ☒ Claim(s) 16 and 37 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☒ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### 3DETAILED ACTION

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13, 25, 27, 35 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Onuki et al. (U.S. Patent No. 5,206,677).

Onuki et al. discloses a camera at column 6 line 41; a motor as LMTR in Fig. 5; a controller as LCNT in Fig. 5; and a state detector as ENCZ and ENCP in Fig. 5. Steps 104-106 in Fig. 1 shows that the deceleration curve is changed according to the zoom lens position (focal length) and focus lens position that are used to address a table storing a sensitivity value S which is used to determine the parameters  $\omega_s$  and FPov. At the telephoto end, the deceleration curve following the path A3, A4 and A5 is taken. At the wide-angle end (for the same lens driving amount FP1) the deceleration path A3, G4 and G5 is taken. Thus, claims 13, 25, 27, 35 and 44 are fully met by Onuki et al.

#### *Allowable Subject Matter*

3. Claims 16 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 1, 8, 10, 20, 22, 26, 28-34, 36, 38-43 and 45 are allowed.

***Reasons for Patentability***

5. The primary reason for indication of patentability of claims 1, 16, and 37 is the claim limitation that the deceleration control pattern is decelerated for stopping at a larger rate when the focal length of the image taking optical system is on a wide angle side closer to a wide angle end than a predetermined focal length and at a larger rate when the focal length is on a telephoto side, after a remaining driving amount becomes less than a predetermined amount. The primary reason for indication of patentability of claims 28, 29, 32-34, 36, 38, 39, 42 and 45 is the claim limitation that the state of the image taking optical system is a set value of the diaphragm or aperture, which determines the deceleration pattern for the focus motor. The primary reason for indication of patentability claims 8, 10, 20, 22, and 26 is the limitation that the state of the image taking optical system is a focal length of the image taking optical system, which determines the predetermined distance from the target position at which the deceleration pattern begins. The primary reason for indication of patentability of claims 30, 31, 40, 41, and 43 is the limitation that the state of the image taking optical system is a set value of the diaphragm or aperture, which determines the predetermined distance from the target position at which the deceleration pattern begins.

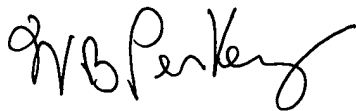
**Telephone Numbers**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William B. Perkey whose telephone number is (571) 272-2126. The examiner can normally be reached on Monday-Thursday 7:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William B. Perkey  
Primary Examiner  
Art Unit 2851

WBP:wbp